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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Via Fax 571-273-8300

In re Application of: O'Lenick

Examiner: Meller, Michael V.

Group Art Unit: 1655

Serial No: 10/620,899

Filed: 07/17/2003

Title: Cranberry alkoxy Esters as a Delivery System for Natural Antioxidants

Honorable Commissioner
Patents and Trademarks
P.O. Box 1450
Alexandria Va.

Sir:

Please enter the following amendment in response to the Advisory Action dated
8/08/2006.

Communication

Applicant acknowledges the Advisory Action and is compelled to address commentary offered therein to refute the comment offered for the first time therein.

The position that defining the invention in terms simply of an alkyl chain distribution is the only way to define it and that anything else fails to identify the properly the invention the applicant claims as his invention is traversed as simply ridiculous. It clearly shows the position of the action is "If you do not define the invention in the way I choose you to, Mr. Inventor, regardless of its correctness, I will not allow it, regardless if it is enabled or not, or regardless of if I previously allowed it."

The position offered in the statement is exactly the same as if the position were taken by the USPTO that if the color of the compound is not used as salient to the claim, the claim is not enabled, regardless of anything else. The statement clearly unsupported since it completely disregards the concept that inventor gets to enable the invention in a way understandable to one of ordinary skill in the art to enable them to know what the invention is as described by the applicant.

Applicant is grateful for the commentary because for the first time the rejection grounds are becoming clear. This will narrow the appeal process to this position.

Respectfully submitted:

Anthony J. O'Lenick, Jr.
Applicant
August 10, 2006
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